

REMARKS

I. Introductory Remarks

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

It is acknowledged that the amendments are being presented after final rejection of the application; however, entry of the amendments is respectfully requested because Applicant believes that the amendments place the application in condition for allowance, without raising new issues or introducing new subject matter into the application.

Upon entry of the amendments, claims 13-24 will remain pending in the application, with claim 14 being withdrawn from consideration. Claim 13 is presently being amended. No claims are being added or canceled.

II. Claims 13 and 15-24 are Patentable over the Prior Art

Claims 13 and 15-24 remain rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,298,420 (“Chang”) in view of Goto *et al.*, *Blood* 84(6): 1922-1930 (1994) (“Goto”). Applicant respectfully traverses the rejection.

As Applicant previously explained, Chang and Goto do not teach or suggest a method of inhibiting B lymphocyte activation; rather, Chang merely describes a method of *killing* B lymphocytes via antibody-dependent cellular cytotoxicity (ADCC). Also, Chang and Goto provide no evidence that HM1.24 actually plays a functional role in multiple myeloma, and therefore do not teach or suggest the use of HM1.24 antibodies to treat that condition.

Nonetheless, to advance prosecution, Applicant has amended claim 13 to recite that the method of inhibiting lymphocyte activation does not kill lymphocytes. Exemplary support for this amendment exists in the specification at page 22, lines 23-31 and page 24, lines 11-21. In those passages, the specification describes confirming the effects of lymphocyte inhibition “by evaluating changes in the expression of antigen markers on the cell surface after adding the antibody for use in the present invention to lymphocytes” (p. 22, ll.

29-31). This indicates that the lymphocytes survive their interaction with HM1.24 antibody and subsequently change their antigen expression patterns.

Also consistent with the survival of lymphocytes after administration of an HM1.24 antibody, the specification describes evaluating the effects of HM1.24 antibody on antibody production by B cells and blast formation by T cells. (See pp. 23-25, sections 5-2 and 5-4; and Example 2).

As previously explained, Goto and Chang neither teach nor suggest a method of inhibiting lymphocyte activation short of killing the lymphocytes. Accordingly, claims 13 and 15-24 are patentable over those references.

III. Concluding Remarks

The present application is now in condition for allowance, and Applicant respectfully requests favorable reconsideration of it. If the Examiner believes that an interview would advance prosecution, he is invited to contact the undersigned by telephone.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 09/14/04

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